

In re Tunney, et al.
U.S. Patent Application No. 09/901,514

Remarks

This paper is submitted in response to an Office Action dated April 9, 2003 and in supplement to Applicants' July 9, 2003, Amendment. In the Office Action, the Examiner rejected claims 3, 8-9, 11, 15 and 17 under 35 U.S.C. §112, second paragraph, as being indefinite. In addition, claims 1-3, 5-10 and 12-17 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,168,709 to Bombard. Further, claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bombard in view of U.S. Patent No. 4,098,303 to Gammell. Still further, claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bombard. Further, claims 18-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bombard in view of Gammell, and further in view of U.S. Patent No. 4,476,097 to Van Pool et al. Finally, claims 1-17 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,443,166.

Except for the rejection of the claims under the judicially created doctrine of obviousness-type double patenting, the other outstanding rejections were addressed in Applicants' Amendment dated July 9, 2003. This paper is submitted to address the rejection of claims 1-17 under the judicially created doctrine of obviousness-type double patenting over claims 1-20 of U.S. Patent no. 6,443,166.

Applicants state that they will submit a terminal disclaimer to overcome this rejection when all other rejections have been overcome and the application is otherwise in condition for allowance. Applicants' offer to submit a terminal disclaimer shall not be construed as an admission that Applicants agree that the pending claims are obvious over any of the claims of U.S. Patent No. 6,443,166.

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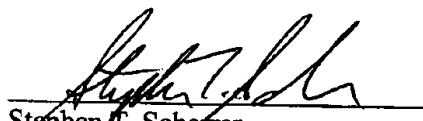
Conclusion

In view of the foregoing remarks and amendments, Applicants respectfully submit that all of the claims in the application are in allowable form and that the application is now in condition for allowance. If, however, any outstanding issues remain, Applicants urge the Examiner to telephone Applicants' attorney so that the same may be resolved and the application expedited to issue. Applicants respectfully request the Examiner to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,

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